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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,305	12/18/2003	Dhananjay V. Keskar	42P18008	4357

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EXAMINER
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STEELMAN, MARY J

ART UNIT	PAPER NUMBER
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2191

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/741,305	<b>Applicant(s)</b> KESKAR ET AL.	
	<b>Examiner</b> Mary J. Steelman	<b>Art Unit</b> 2191	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/18/2003, 04/19/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-22 are pending.

#### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claims 9 and 13 recite "An article comprising a computer-readable medium..." As noted in the Specification, at page 13, [0032], this is defined to include carrier waver, infrared signals, digital signals, etc. These are non-statutory embodiments. Claim language may be amended to recite, "An article comprising computer readable storage medium..."

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4, 8, 9-12, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1 and 9 recite the limitation "the information" in line 1. There is insufficient antecedent basis for these limitations in the claims.

Claims 8 and 16 recite “the local electronic device” (four instances in each claim), whereas the claim they depend from recites a ‘local resource’. There is insufficient antecedent basis for these limitations in the claims.

### *Claim Objections*

6. Examiner objects to identifiers “local electronic device” (such as a client device?), “remote electronic device” (such as a server device?), as noted in claim 1. Consider the phrase “dynamically changeable characteristics of the local electronic device” (such as the location information of a client device) as used in claim 1. In comparison, claim 5 recites “dynamically changeable characteristics of the remote electronic device” The meaning seems to be reversed in claim 5. Claim 8 further mystifies this by reciting “the dynamically changeable characteristics comprise ...location of the local electronic device.” Examiner believes that all claims relate to changeable characteristics (such as the location) of a client device, remote from server. Examiner requests clarification.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-4 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,609,005B1 to Chern, in view of US Patent 6,741,853B1 to Jiang et al.

Per claims 1 and 9:

A method comprising:

-transmitting, from a local electronic device, a request for the information to a remote electronic device;

Chern: Col. 2: 63-64, a request is received from a user of the hand set to display the mobile phone location (transmitting from a local electronic device / hand set, a request to a server for location information) Transmit using URL address of Web server.

-receiving, from the remote electronic device, a response including a profile query requesting data corresponding to one or more dynamically changeable characteristics of the local electronic device;

Chern: Col. 6: 36-37, prompts and scripts may be stored at server 136 and provided to the user (remote electronic device/ server sends profile query to local electronic device / user at client device, requesting data) via network 140. User at client device (col. 6: 49-55) may return to server limiting parameters or filters (changeable characteristics such as within a certain distance from the current location) to refine search results.

-retrieving the requested data corresponding to the one or more dynamically changeable of characteristics of the local electronic device;

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Chern: Col. 7: 34-43, scripts or prompts may be provided to the user to refine the information request. The user's answers to the prompts are sent by handset 130 to server 136, which uses the refined information to retrieve...or to further refine the users query...

Chern failed to explicitly disclose:

-selectively transmitting, from the local electronic device, a request for the information including the data corresponding to the one or more dynamically changeable characteristics of the local electronic device based on one or more privacy constraints.

However,

Jiang disclosed wireless communication between a plurality of MSs (mobile stations / client) and wireless networks, WPM (wireless portal middleware / server). Communications are transmitted to determine location information of the client device (col. 10: 28). Jiang disclosed (col. 11: 36-42) Directory Service technology to implement the profile schemas, preferably encrypted to provide additional security.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Chern's invention, using the teachings of Jiang, because one would be motivated to provide privacy constraints to personal information including present location.

Per claims 2 and 10:

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-the request for information comprises entering a Uniform Resource Locator (URL) into a browser interface.

Chern: Col. 9: 40 URL. See FIG. 6, #252

Per claims 3 and 11:

-the request for information comprises selecting a link via a browser interface.

Chern: FIG. 6, #254-launch wireless browser, #266-browser goes to URL web address, Col. 6: 31-37, Options such as the shortest possible route...may be provided options, prompts and scripts may be stored at server 136 and provided to the user via network 140 Col. 6: 54-55, the user may request or be prompted to select parameters (selecting a link via a browser interface) that refine the search results.

Per claims 4 and 12:

-the dynamically changeable characteristics comprise one or more of: a geographical location of the local electronic device, a network connection used by the local electronic device, a user preference profile stored by the local electronic device, and a connectivity condition corresponding to a network connection used by the local electronic device.

Chern: Col. 6: 49-62, Parameter limits or filters may be implemented to refine the request and selections returned. The user may set a location filter, for example, that requires returned selections to be within a certain maximum number of miles of the user's current location (changeable characteristics based on geographical location of the local electronic device)

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 5-8 and 13-22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,609,005B1 to Chern.

Per claims 5 and 13:

A method comprising:

- receiving, from a remote electronic device, a request for information from a local resource;
- transmitting to the remote electronic device a response including a profile query requesting data corresponding to one or more dynamically changeable characteristics of the remote electronic device;
- receiving, from the remote electronic device, a request for the information including the data corresponding to the one or more dynamically changeable characteristics of the remote electronic device;
- transmitting to the remote electronic device the requested information selected and/or formatted based on the data corresponding to the one or more dynamically changeable characteristics of the remote electronic device.



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Chern: User device requests location position information. Server device receives request and returns a query / scripts / prompts for additional information (col. 7: 34). User device provides answers and transmits to server. Server device uses information (with changeable characteristics) to retrieve data or information from a database 138 (selected and/or formatted based on the data corresponding to the one or more dynamically changeable characteristics or the remote electronic device) (col. 7: 40). Col. 7: 41, This potentially repetitive process is illustrated in FIG. 3 by flow line 222 and the repetition of steps 202, 206, and 208.

Per claims 6 and 14:

See rejection of limitations as addressed for claim 2 above.

Per claims 7 and 15:

See rejection of limitations as addressed for claim 3 above.

Per claims 8, 16, 19, and 22:

See rejection of limitations as addressed for claim 4 above.

Per claims 17 and 20:

A method comprising:

-receiving, with an application executed by a local electronic device, a request for information to a remote electronic device;

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-searching a database of locally stored data corresponding to one or more remote content providers to determine whether to transmit data corresponding to one or more dynamically changeable characteristics of the local electronic device to the remote device with the request for information;

-retrieving the locally stored data, if any, corresponding to the one or more dynamically changeable characteristics of the local electronic device;

-transmitting, from the local electronic device, a request for the information including the data corresponding to the one or more dynamically changeable characteristics of the local electronic device.

Chern: See rejections of claims 1 and 5 above. Chern disclosed a database at col. 7: 35, database 138 (FIG. 2, #138).

Per claims 18 and 21:

-the locally stored data comprises a cookie.

Chern: Col. 10: 35, information is appended to the URL

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

03/28/2007

*Mary Steelman*  
*Primary Examiner*  
*03.29.2007*